

DFTTERM

**U.S. District Court
Northern District of Texas (Dallas)
CRIMINAL DOCKET FOR CASE #: 3:18-mj-00784-BT-1**

Case title: USA v. Akhter

Date Filed: 11/27/2018

Other court case number: 1:15-CR-124-TSE-1 U.S. Dist.
Court E. Dist. of Virginia

Date Terminated: 11/30/2018

Assigned to: Magistrate Judge
Rebecca Rutherford

Defendant (1)

Muneeb Akhter

TERMINATED: 11/30/2018

represented by **Federal Public Defender**

Federal Public Defender – Dallas

525 Griffin St

Suite 629

Dallas, TX 75202

214-767-2746

Fax: 214-767-2886

Email: jason_hawkins@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Federal Public Defender Appointment

Bar Status: Admitted/In Good Standing

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

Out of district arrest out of the
Eastern District of Virginia.
Charging defendant with violation
of terms of supervised release.

Plaintiff

USA

represented by **Paul Yanowitch–DOJ**
 US Attorney's Office
 1100 Commerce St
 3rd Floor
 Dallas, TX 75242
 214–659–8618
 Fax: 214–767–2846
 Email: paul.yanowitch@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Not Admitted

Date Filed	#	Page	Docket Text
11/27/2018	<u>1</u>	4	MOTION for Detention <i>Pending Supervised Revocation Hearing</i> filed by USA as to Muneeb Akhter Attorney Paul Yanowitch–DOJ added to party USA(pty:pla) (Yanowitch–DOJ, Paul) (Entered: 11/27/2018)
11/27/2018		8	Arrest (Rule 32) of Muneeb Akhter. Case Number 1:15–CR–124–TSE from U.S. District Court for Eastern District of Virginia, Alexandria Division. (mcrd) (Entered: 11/28/2018)
11/27/2018	<u>2</u>	9	Minute Entry for proceedings held before Magistrate Judge Rebecca Rutherford: Initial Appearance as to Muneeb Akhter held on 11/27/2018. Date of Arrest: 11/27/2018 Location interval set to: LC. Attorney Appearances: AUSA – Paul Yanowitch; Defense – Courtney Stamper. (Court Reporter: Digital File) (No exhibits) Time in Court – :03. (mcrd) (Entered: 11/28/2018)
11/27/2018	<u>3</u>		(Document Restricted) CJA 23 Financial Affidavit by Muneeb Akhter (mcrd) (Main Document 3 replaced on 11/28/2018) (mcrd). (Entered: 11/28/2018)
11/27/2018	<u>4</u>	10	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Muneeb Akhter. Federal Public Defender for Muneeb Akhter appointed. (Ordered by Magistrate Judge Rebecca Rutherford on 11/27/2018) (mcrd) (Entered: 11/28/2018)
11/27/2018	<u>5</u>	11	ORDER OF TEMPORARY DETENTION as to Muneeb Akhter. Detention Hearing set for 11/30/2018 01:00 PM in US Courthouse, Courtroom 1310, 1100 Commerce St., Dallas, TX 75242–1310 before Magistrate Judge Rebecca Rutherford. (Ordered by Magistrate Judge Rebecca Rutherford on 11/27/2018) (mcrd) (Entered: 11/28/2018)
11/30/2018	<u>6</u>	12	Minute Entry for proceedings held before Magistrate Judge Rebecca Rutherford: Detention Hearing as to Muneeb Akhter held on 11/30/2018. Location interval set to: LO. Preliminary Hearing as to Muneeb Akhter held on 11/30/2018 Location interval set to: LO. The court finds probable cause and defendant ordered detained. Ordered removed to prosecuting district. Attorney Appearances: AUSA – Paul Yanowitch; Defense – Courtney Stamper. (Court Reporter: Digital File) (No exhibits) Time in Court – 1:00. (mcrd) (Entered: 12/03/2018)
11/30/2018	<u>7</u>	13	

			ORDER OF DETENTION as to Muneeb Akhter. (see order) (Ordered by Magistrate Judge Rebecca Rutherford on 11/30/2018) (mcrd) (Entered: 12/03/2018)
11/30/2018	<u>8</u>	15	Report of Proceedings under Rule 32.1 and Order Entered Thereon as to Muneeb Akhter. Defendant is removed forthwith to the district in which he is charged. Paperwork sent to U.S. District Court for Eastern District of Virginia, Alexandria Division. (Ordered by Magistrate Judge Rebecca Rutherford on 11/30/2018) (mcrd) (Entered: 12/03/2018)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

MUNEEB AKHTER (01)

NO. 3:18-MJ-784-BT

ECF

**MOTION FOR DETENTION PENDING
SUPERVISED RELEASE REVOCATION HEARING**

The United States moves to detain the defendant, **Muneeb Akhter**, pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a).

1. Eligibility of Case. This case is eligible for a detention order because the case involves (check all that apply):

- Crime of violence (18 U.S.C. § 3156);
- Maximum sentence life imprisonment or death
- 10 + year drug offense
- Felony, with two prior convictions in above categories
- Serious risk defendant will flee
- Serious risk obstruction of justice
- Felony involving a minor victim
- Felony involving a firearm, destructive device, or any other dangerous weapon
- Felony involving a failure to register (18 U.S.C. § 2250)
- Petition for Supervised Release Revocation was filed

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

- Defendant's appearance as required
 Safety of any other person and the community

3. Rebuttable Presumption. The United States **will/will** not invoke the rebuttable presumption against defendant because (check one or both):

- Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c)
 Probable cause to believe defendant committed a federal crime of terrorism, 18 U.S.C. § 2332b(g)(5)
 Probable cause to believe defendant committed an offense involving a minor, 18 U.S.C. §§ 1201, 2251
 Previous conviction for "eligible" offense committed while on pretrial bond
 Probable cause to believe Defendant violated terms of supervised release, FRCP 32.1(a)(6).

4. Time For Detention Hearing. The United States requests the Court conduct the detention hearing,

At first appearance

After continuance of 3 days (not more than 3).

DATED this 27th day of November 2018.

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY

/s/ Paul Yanowitch
PAUL YANOWITCH
Assistant United States Attorney
Illinois State Bar No. 6188269
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8600
Facsimile: 214-659-8812
Email Paul.Yanowitch@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2018, I electronically filed the foregoing Government's Motion for Detention Pending Supervised Release Revocation Hearing with the Clerk of Court for the United States District Court for the Northern District of Texas using the electronic filing system of the Court. The electronic case filing system will send a notice of filing to all the attorneys of record who have or consented or will consent to such service.

/s/ Paul Yanowitch
PAUL YANOWITCH
Assistant United States Attorney

MIME-Version:1.0
From:ecf_txnd@txnd.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Paul Yanowitch-DOJ (caseview.ecf@usdoj.gov, cynthia.nichols@usdoj.gov, karen.vorel@usdoj.gov, michael.rogers@usdoj.gov, paul.yanowitch@usdoj.gov, paula.zepeda@usdoj.gov), Magistrate Judge Rebecca Rutherford (bridget_o'hickey@txnd.uscourts.gov, judge_rutherford_ecfdocs@txnd.uscourts.gov, lavenia_price@txnd.uscourts.gov, lori_douglas@txnd.uscourts.gov, mark_ratway@txnd.uscourts.gov)
--Non Case Participants: Probation Office (txnp_edocs-pro@txnp.uscourts.gov), U.S. Marshals Office (usms-txn-courtdocket@usdoj.gov)
--No Notice Sent:

Message-Id:11162436@txnd.uscourts.gov
Subject:Activity in Case 3:18-mj-00784-BT USA v. Akhter Arrest - Rule 5/32/40
Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: [Judges' Copy Requirements](#). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. [Forms and Instructions](#) found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 11/28/2018 at 1:26 PM CST and filed on 11/27/2018

Case Name: USA v. Akhter

Case Number: 3:18-mj-00784-BT

Filer:

Document Number: No document attached

Docket Text:

Arrest (Rule 32) of Muneeb Akhter. Case Number 1:15-CR-124-TSE from U.S. District Court for Eastern District of Virginia, Alexandria Division. (mcrd)

3:18-mj-00784-BT-1 Notice has been electronically mailed to:

Paul Yanowitch-DOJ paul.yanowitch@usdoj.gov, CaseView.ECF@usdoj.gov, Michael.Rogers@usdoj.gov, cynthia.nichols@usdoj.gov, karen.vorel@usdoj.gov, paula.zepeda@usdoj.gov

3:18-mj-00784-BT-1 The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

JUDGE: REBECCA RUTHERFORD

DEPUTY CLERK: L. Price

COURT REPORTER/TAPE NO: FTR

LAW CLERK:

USPO/PTSO:

INTERPRETER:

COURT TIME: 1:37 - 1:40

A.M.

P.M.

DATE: November 27, 2018

MAG. NO. DIST. CR. NO. 3:18-mj-00784-BT

USDJ Magistrate Judge Rebecca Rutherford

UNITED STATES OF AMERICA

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v.

MUNEEB AKHTER (1)

Paul Yanowitz, AUSA

Courtney Stanser

COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

INITIAL APPEARANCE IDENTITY BOND HEARING PRELIMINARY HEARING

DETENTION HEARING COUNSEL DETERMINATION HEARING REMOVAL HEARING EXTRADITION HEARING

HEARING CONTINUED ON _____ CASE NO. _____ OTHER DISTRICT DIVISION

DATE OF FEDERAL ARREST/CUSTODY: SURRENDER 11/27/18

RULE 5/32 APPEARED ON WRIT

DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES PROBATION/SUPERVISED RELEASE VIOLATOR

DEFT FIRST APPEARANCE WITH COUNSEL.

DEFT MW (MATERIAL WITNESS) _____ APPEARED WITH WITHOUT COUNSEL

REQUESTS APPOINTED COUNSEL.

FINANCIAL AFFIDAVIT EXECUTED.

ORDER APPOINTING FEDERAL PUBLIC DEFENDER.

PRIVATE COUNSEL APPOINTED _____

DEFT HAS RETAINED COUNSEL _____

ARRAIGNMENT SET DETENTION HEARING SET 11/30/18 e 1pm

PRELIMINARY HEARING SET 11/30/18 e 1pm BOND HEARING SET _____

COUNSEL DETERMINATION HEARING SET _____

IDENTITY/REMOVAL HEARING SET _____

BOND SET REDUCED TO \$ _____ CASH SURETY 10% PR UNS 3RD PTY MW

NO BOND SET AT THIS TIME, ____ DAY DETENTION ORDER TO BE ENTERED.

ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.

ORDER OF DETENTION PENDING TRIAL ENTERED.

DEFT ADVISED OF CONDITIONS OF RELEASE.

BOND EXECUTED DEFT MW RELEASED STATE AUTHORITIES INS

DEFT MW REMANDED TO CUSTODY.

DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.

WAIVER OF PRELIMINARY HEARING RULE 5/32 HEARING DETENTION HEARING

COURT FINDS PROBABLE CAUSE ID PC.

DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.

GOVERNMENT TO NOTIFY FOREIGN CONSULAR.

REMARKS: _____

NORTHERN DISTRICT OF TEXAS
FILED

NOV 27 2018

CLERK, U.S. DISTRICT COURT

By _____ Deputy *[Signature]*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION
CLERK, U.S. DISTRICT COURT
By _____ Deputy _____
[Signature]

UNITED STATES OF AMERICA

v.

MUNEEB AKHTER (1)

§ Case No. 3:18-mj-00784-BT
§
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ORDER APPOINTING FEDERAL PUBLIC DEFENDER

The Court, having considered the Financial Affidavit of the Defendant, finds that the Defendant is financially unable to obtain counsel.

IT IS, THEREFORE, ORDERED pursuant to Title 18, United States Code, Section 3006A, that the Federal Public Defender for the Northern District of Texas is appointed as counsel of record for the above named Defendant. Such appointment shall be for all proceedings, including any appeal.

SIGNED November 27, 2018.


REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

FILED

NOV 27 2018

CLERK, U.S. DISTRICT COURT
By _____

Case No. 3:18-mj-00784-BT

UNITED STATES OF AMERICA

v.

MUNEEB AKHTER (1)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**ORDER OF TEMPORARY COMMITMENT**

On this date the above named Defendant appeared before the undersigned magistrate judge after having been arrested in the above numbered action for an offense against the laws of the United States, and

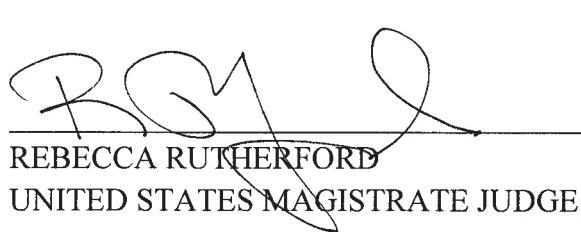
- The government having moved the magistrate judge to hold a hearing to determine whether any condition or combination of conditions will reasonably assure the Defendant's appearances and the safety of any other person and the community (18 U.S.C. §3142(f), as amended P.L. 98-473, 98 Stat. 1837), and
- The government's attorney having moved for a continuance of such hearing
- It appearing that the Defendant may not be capable of posting of a monetary bond as a condition to assure his appearance and the safety of any other person and the community (§3142(c), supra), and that a hearing on whether the Defendant should be released on bond or should be detained pending disposition of the criminal charges should be deferred from today's date, and
- Defendant having moved for a continuance so that he can have an attorney present at the hearing,

IT IS, THEREFORE, ORDERED that the Detention Hearing is to be held on 11/30/18 at 1pm before the undersigned magistrate judge, unless extended for good cause. *

IT IS FURTHER ORDERED that the Defendant is committed to the custody of the United States Marshal for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal, pending the above scheduled detention hearing.

A copy of this order shall be transmitted to counsel for the parties.

ENTERED this November 27, 2018.



REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

*A continuance on behalf of the government will be granted without a hearing only upon the written consent of the Defendant or his attorney. A continuance on behalf of the Defendant will be granted without a hearing upon the written request of the Defendant or his attorney. Continuances shall not exceed five work days from the original setting for the Detention Hearing.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

JUDGE: REBECCA RUTHERFORD	
DEPUTY CLERK: L. Price	COURT REPORTER/TAPE NO: FTR
LAW CLERK:	USPO/PTSO:
INTERPRETER:	COURT TIME:
A.M.	P.M.
	DATE: November 30, 2018

P.C. 1hr

Retd. 4hr

MAG. NO. DIST. CR. NO. 3:18-mj-00784-BT

USDI Magistrate Judge Rebecca Rutherford

UNITED STATES OF AMERICA

§
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v.

MUNEEB AKHTER (1)

Paul Yanowitch, AUSA

Courtney Stamper
COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

- INITIAL APPEARANCE IDENTITY BOND HEARING PRELIMINARY HEARING
 DETENTION HEARING COUNSEL DETERMINATION HEARING REMOVAL HEARING EXTRADITION HEARING
 HEARING CONTINUED ON _____ CASE NO. _____ OTHER DISTRICT DIVISION
 DATE OF FEDERAL ARREST/CUSTODY: SURRENDER _____
 RULE 5/32 APPEARED ON WRIT
 DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES PROBATION/SUPERVISED RELEASE VIOLATOR
 DEFT FIRST APPEARANCE WITH COUNSEL.
 DEFT MW (MATERIAL WITNESS) _____ APPEARED WITH WITHOUT COUNSEL
 REQUESTS APPOINTED COUNSEL.
 FINANCIAL AFFIDAVIT EXECUTED.
 ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
 PRIVATE COUNSEL APPOINTED _____
 DEFT HAS RETAINED COUNSEL _____
 ARRAIGNMENT SET DETENTION HEARING SET _____

- PRELIMINARY HEARING SET _____ BOND HEARING SET _____
 COUNSEL DETERMINATION HEARING SET _____
 IDENTITY/REMOVAL HEARING SET _____
 BOND SET REDUCED TO \$ _____ CASH SURETY 10% PR UNS 3RD PTY MW
 NO BOND SET AT THIS TIME, ____ DAY DETENTION ORDER TO BE ENTERED.
 ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
 ORDER OF DETENTION PENDING TRIAL ENTERED.
 DEFT ADVISED OF CONDITIONS OF RELEASE.
 BOND EXECUTED DEFT MW RELEASED STATE AUTHORITIES INS
 DEFT MW REMANDED TO CUSTODY.
 DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.
 WAIVER OF PRELIMINARY HEARING RULE 5/32 HEARING DETENTION HEARING
 COURT FINDS PROBABLE CAUSE ID P.C.
 DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
 GOVERNMENT TO NOTIFY FOREIGN CONSULAR.
 REMARKS: _____

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

NOV 30 2018

CLERK, U.S. DISTRICT COURT
By _____ Deputy _____

J. 12

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

MUNEEB AKHTER (01)

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No. 3:18-MJ-784-BT

DETENTION ORDER

On November 30, 2018, the Court held a preliminary hearing and a detention hearing pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. §3143(a)(1). Defendant Muneeb Akhter appeared in person and through counsel, and the government appeared through an assistant United States Attorney.

Based on the evidence presented at the hearing, the Court found probable cause to believe that Defendant committed the violations of his conditions of supervised release, as alleged in the petition.

Further, based on all the evidence, including the testimony of the United States probation officer, the petition for revocation, and Defendant's proffer, the Court found that Defendant failed to satisfy his burden to show by clear and convincing evidence that conditions could be set that would reasonably assure his appearance as required. Among other things, the evidence established that Defendant failed to comply with an order to appear at a hearing on October 2, 2018, before the court in Virginia that is supervising his release. Based on all the

evidence, the Court granted the government's motion for detention and remanded Defendant to the custody of the United States Marshal.

SO ORDERED.

November 30, 2018.



REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

FILED

UNITED STATES OF AMERICA
v.
MUNEEB AKHTER (1)

§ Case No. 3:18-mj-00784-**NOV 30 2018**
§ Other Dist. Docket No. **1:15-CR-124-TSE-1**
§ Charge Pending: **CLERK, U.S. DISTRICT COURT**
§ Eastern District of **Virginia**
§ Alexandria Division **Deputy**

**REPORT OF PROCEEDINGS UNDER RULES 32.1
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with violating conditions of probation or supervised release. Having been arrested in this district on a warrant issued on the petition to revoke probation or supervised release, she appeared before me for proceedings as follows:

32.1(a)(5)(A) : The alleged violation occurred in this district.

The defendant waived preliminary hearing.

Based on the evidence presented during preliminary hearing, the Court finds that:

There is probable cause to believe that a violation occurred.

There is NOT probable cause to believe that a violation occurred.

32.1(a)(5)(B): The alleged violation did not occur in this district.

The government has produced certified copies of the judgment, warrant, and warrant application.

The defendant waived production of certified copies of the judgment, warrant, and warrant application.

The Court finds that the person before the Court is the defendant named in the warrant because:

The defendant waived identity hearing.

An identity hearing was conducted, and the defendant's identity was established.

The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is NOT the defendant named in the warrant.

The defendant waived detention hearing in this district and requested that detention hearing be held in the prosecuting district.

TO: UNITED STATES MARSHAL

- You are commanded to remove the above named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- It is ORDERED that this defendant be discharged.

SIGNED:



Rebecca Rutherford
United States Magistrate Judge

(Use Other Side for Return)